Google Inc. et al v. Egger et al

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UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 19

JULY 21, 1970, TO JULY 29, 1970
(PAGES 25135 TO 26488)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

an individual's background, personal life, personality and habits are noted in each data bank?

(9) Have the Office of the Secretary, the Services, or their component agencies, developed comprehensive guidelines governing maintenance of each data system, access to it, review and disclosure of material in it, and distribution to other agencies? If so, please supply copies.

(10) A. Is the subject individual or his representative notified of the fact that he is in the data bank?

B. Is he allowed to review the data on record about him to supplement his file; or to explain or rebut inaccurate material? If there are restrictions on such permission, please describe the precise limitations.

(11) What aspects of the required personal data about an individual are available to other persons? Who, specifically? For what purpose? By what authority?

(12) Is a record maintained of each inspection or use of the individual's records: (a) by persons within the department, service, or agency in which the individual services, has dealings with; (b) by persons in other agencies; (c) by private persons?

(13) For each data bank, please indicate how the information is collected, whether it is solicited from the individual, from third persons, or from existing records.

(14) What officials in the Department and services and agencies are responsible for determining the accuracy of information in the data bank? What provisions are made, procedurally, for deleting information found to be inaccurate or inappropriate, either on the initiative of the Department or on action of the individual?

(15) What other agencies have access to information or use of information on each data bank? Official? Private?

(16) What states and federal agencies may utilize transfers or access to the data in your computerized or mechanical files by coding, interfacing compatability or other arrangement with their own systems?

(17) What security devices and procedures are utilized to prevent:

a. Unauthorized *access* to the data file; and

b. Improper *use* of the information?

(18) What formal or informal arrangement does the Department, Service or agency have with Congressional Committees for the authorizing and reviewing of new data banks and the clearance of new electric or mechanized record-management techniques?

(19) A. Have any existing data programs which you administer as Secretary of Defense, or the development of other comprehensive records systems been discussed before other Congressional Committees by Department's or service representatives?

B. Have any been specifically approved by Congress of Congressional Committees?

C. If so, would you please supply any available testimony, or citations to such hearings?

Would you kindly supply copies of any statutes and regulations cited in your report to the Subcommittee, together with sample print-out from each data bank.

I realize that the collection of such a large amount of information will constitute an administrative burden, but I hope it will not tax your employees unduly. The Subcommittee believes that a worthy cause will be furthered by the diligent and good faith efforts of the officials of the Defense Department to supply these responses to the best of their ability. In the final analysis, I believe Congress, the Executive Branch and the people will profit by this investigation.

Your own personal assistance in our study is deeply appreciated.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights.

Mr. ERVIN. Mr. President, the editors of many newspapers wisely perceived the dangers which the Army's program presents to the principles of the Constitution. The New York Times, in an editorial published on June 6, 1970, commented:

. . . the fundamental question concerns the right of the Army to set up a domestic secret service. We are under the impression that the FBI was already engaged in this activity as provided by law. The implications are ominous in a country where the military is supposed to be subservient to civilian authority.

The editor of the Raleigh, N.C., News and Observer in a recent editorial stated that Congress and the President ought to share the "acute concern about this matter." He continues:

Now that news of Army surveillance activities is out, failure to curb those activities, or at least to put some proper safeguards on them, will leave lawmakers and the chief executive resembling, at best, silent accomplices in repression . . . The mere fact that the military has plainclothesmen sneaking around and spying on legal political activities of civilians is enough to discourage those activities. And that is a very real infringement upon individual liberties.

The editor of the Boston Globe on March 15 called attention to remedies which have been proposed for improper data banks. This editor states:

The disclosure gives added point to the suggestion of Alan F. Westin, professor of public law and government at Columbia University, for legislation creating a writ of habeas data, similar to a writ of habeas corpus, commanding government and private organizations to produce, on demand, the data they have collected on petitioning individuals.

The editor of the Toledo Times comments that while the Defense Department has an obligation to use its intelligence apparatus for the protection of internal security, for the safeguarding of communications, transports and defense plants:

The indications are that the military intelligence network has gone far beyond such legitimate precautions and is nosing around in the area of political opinions. Monitoring of ideologies smacks more of thought control than of national security. If allowed to continue unchecked, it could open the door to military control of the civilian government.

The Washington Post, in an editorial on May 21, called attention to a fact which many citizens had already noticed. This is that the Senate on May 19 had passed a bill to protect the privacy and first amendment rights of employees of the Federal Government and applicants for employment but had done nothing whatsoever about other Americans. Commenting on the Army's collection of data about all manner of citizens, recording their participation in protests, their attendance at political meetings, their enrollment on petitions, the editorial writer observed:

These data, computerized by the brilliant resourcefulness of modern technology, lie waiting like buried bullets to shoot down a blossoming career. There is not much use in protecting government employees from snooping if the citizens who might otherwise become employees are under Big Brother's surveillance. In such a system, no one knows what job offers may be denied him because at some time he has been unconventional or indiscreet.

The author of an editorial published in the Charlotte Observer of March 5 restates a principle which should be engraved on the heart of every official in the Defense Department and indeed on the heart of every official in the executive branch. He writes that Army intelligence:

Is supposed to concern itself solely with defense-oriented counter-espionage, counter-sabotage measures, and security clearance of defense personnel. It has no business in purely civilian affairs, and its efforts in that sphere are not likely to increase civilian sympathy or Congressional goodwill.

Americans have traditionally held a strong aversion to "spying", a tradition that draws strength from our pride in the Bill of Rights, our heritage of individual liberties, and our distaste for foreign states which rely on secret police to maintain their power.

Mr. President, I am firmly convinced that every Member of Congress agrees with this observation.

Mr. President, I ask unanimous consent that a cross section of thoughtful editorial opinions on both sides of this issue be printed in the RECORD at the conclusion of my remarks, together with various news articles describing developments in this matter. These are:

EDITORIALS

Charlotte, N.C., Observer, March 5, 1970.

Charlotte, N.C., News, March 13, 1970.

Raleigh, N.C., News and Observer.

The New York Times, April 1, June 6, 1970.

The Washington Post, May 21, 1970.

Time Magazine, March 9, 1970.

Sarasota Herald-Tribune, Sarasota, Fla., March 10, 1970.

Chronicle, Houston, Tex., March 12, 1970.

Chronicle, San Francisco, March 3, 1970.

Milwaukee, Wis., Journal,, April 7, 1970.

Computerworld, April 8, 1970.

The Sunday Star, Washington, D.C., April 19, 1970.

The Courier-News, Plainfield, N.J., April 21, 1970.

The Toledo Times, Toledo, Ohio, April 23, 1970.

The Washington, D.C., Daily News, April 23, 1970.

News Dispatch, Michigan City, Ind., April 23, 1970.

Post Star, Glens Falls, N.Y., April 24, 1970.

The Wichita, Kans., Eagle, April 24, 1970.

Courier, Waterloo, Iowa, April 24, 1970.

St. Louis Post-Dispatch, April 24, 1970.

Times, Valdosta, Ga., April 24, 1970.

Herald, New Britain, Conn., April 24, 1970.

Kennebec, Maine, Journal, April 24, 1970.

Journal, Sioux City, Iowa, April 24, 1970.

Tribune, Scranton, Pa., April 28, 1970.

The Houston, Tex., Post, May 1, 1970.

News-Sun, Springfield, Ohio, May 3, 1970.

Boston, Mass., Globe, May 20, 1970.

Boston Sunday Globe, March 15, 1970.

ARTICLES

Charlotte, N.C., Observer, March 1970.

Chicago, Ill., News, January 15, 1970.